HON'BLE Dr. JUSTICE G. YETHIRAJULU

W.P. No.9303 of 2004

Dated this the 17th day of December 2007

Between:

Mudunuri Venkata Subba Raju

… Petitioner

AND

The Asst. Commissioner,
Endowments Department,
Rajahmundry and 2 others … Respondents

HON'BLE Dr. JUSTICE G. YETHIRAJULU

W.P.No.9303 of 2004

ORDER:

This Writ Petition has been filed by the petitioner to declare that the action of the second respondent-Deputy Commissioner of Endowments, Kakinada in ordering eviction of the petitioner in O.A.No.35 of 2001, through the order dated 12.03.2002 for the land admeasuring Ac.7.61 cents belonging to the subject temple is illegal, arbitrary and unjust.

2) The petitioner is a cultivating tenant of the third respondent-choultry. Originally the land was leased out to his father and after demise of his father, he has been cultivating the land. By virtue of the amendment to the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short 'the Act'), all leases stood terminated including that of the petitioner.

3) The petitioner pleaded that he is a landless poor person, therefore, he may be allowed to continue to cultivate the land as

lessee. He made an application to the second respondent and it was numbered as O.A.No.35 of 2001.

The second respondent after due enquiry came to the conclusion that the petitioner will not come within the definition of Section 82 (2) of the Act as he is cultivating tenant of an extent of Ac.7.61 cents.

4) The definition is very clear that a person, who is having more than 2 ½ acres wet land either as owner or as cultivating tenant, is not entitled to be included in the definition of landless poor. The second respondent by referring to the relevant provisions of the case law came to the conclusion that the petitioner is not entitled to be recognized as landless poor person.

5) The petitioner contended that there is a standing banana crop on the land and is continued to be in possession of the property. Therefore, he is not liable to be dispossessed. There is no other ground pleaded by the petitioner in support of his contention that he is a landless poor person.

6) After going through the entire material, I do not find any ground to grant any relief in favour of the petitioner by invoking the extraordinary jurisdiction of this Court through this writ petition and hence, the writ petition is liable to be dismissed.

7) Accordingly, the writ petition is dismissed. No order as to costs.

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Dr.G. YETHIRAJULU, J

Date: 17.12.2007
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